



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Fischetti, et al.

Serial No. 09/960,472

Group: 1651

Filed: 09/21/2001

Examiner: David Steadman

The Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

First, please note that all correspondence should go to the address of the undersigned attorney, said address being:

Jonathan E. Grant
Grant Patent Services
2107 Hounds Run Place
Silver Spring, Maryland 20906

Applicants have paid the appropriate one month late fee with this filing.

Applicants election Group 1, and, if the traverse is not accepted, hereby withdraws (or cancels) all other outstanding claims.

TRAVERSE

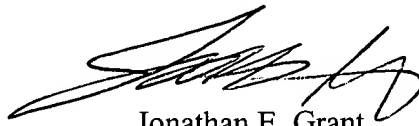
Applicants respectfully disagree with the requirement for a restriction requirement. This invention is for the treatment and killing of a *Streptococcus pneumoniae*.

All of the groups require that Class 514, subclass 2 be searched. Thus, no additional effort has to be exerted on the part of the examiner in performing a search for the listed groups.

Hence, it is the position of the Applicants that there is no need for said restriction requirement.

The patent application appears to be in condition for allowance. Please call or fax the undersigned at (301) 603-9071 if you have any questions. Thank you.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jonathan E. Grant', with a stylized flourish at the end.

Jonathan E. Grant
Reg. No. 34,830

2107 Hounds Run Place
Silver Spring, Maryland 20906